

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JEZIAH JOHNSON,

Plaintiff,

v.

No. 2:21-cv-389 SMV/KRS

VICTOR ALATORRE,

Defendant.

ORDER TO SHOW CAUSE

THIS MATTER comes before the Court *sua sponte*. On April 27, 2021 Plaintiff filed a Complaint, initiating this action. (Doc. 1). To date, there is no indication on the docket that Defendant was served despite a summons having been issued on April 28, 2021. Federal Rule of Civil Procedure 4(m) provides: “If a defendant is not served within 90 days after the complaint is filed the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Furthermore, under the Local Rules of this Court, “[a] civil action may be dismissed if, for a period of ninety (90) days, no steps are taken to move the case forward.” D.N.M.LR-Civ. 41.1.

IT IS THEREFORE ORDERED that on or before **August 20, 2021** Plaintiff shall either effect service or provide the Court with a written explanation showing good cause why service has not been made. Failure to do so may result in dismissal of this case without prejudice.

IT IS SO ORDERED.



KEVIN R. SWEAZEA
UNITED STATES MAGISTRATE JUDGE